The local
ornitole partridge (Nothura, chilla) makes a regularly
covered disk, and is violent or control. Wolves are
occasionally shot in winter for their pelts, and a few
fure may always be seen hanging in the shops of merchants
in Ecuador. Snow leopards and bears are only rarely
encountered. Numerous stories surround bears and their
predilection for honey. They are thought to be in fact
very able to humans, and tales of their abduction of women
for mates are frequent. Fishing, carried on with nets or
poles of blunting powder, is similarly limited, and the
largest catch is a type of carp.

Animal husbandry constitutes one of the most important
activities of the area, because wool and skins are two of
the few valuable exports. The animals so utilized are the
black-haired goat and fat-tailed sheep, the latter often
stained with some mark in red ochre as a "brand." From
the sheep and goats wool, skins, flesh, and milk are ob-
tained. Cattle have utility as beasts of burden, and are
only rarely slaughtered for their meat. The dairy products
of all these animals constitute a large part of the daily
diet as milk, curd (artificially curdled milk, yoghurt),
butter, and cheese. Ghi or clarified butter is commonly used
in cooking, in competition with industrially produced
vegetable oil, and is prepared by agitating a milk-filled
alforja suspended from a wooden tripod and allowing the
butter to melt. It has been noted that the patchily or
tronals seem to act as shepherds for the entire area, but
they do not exercise an exclusive monopoly, for almost

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ware in building and repair, the only significant production 185
of the carpenters is the small chest used by housewives for 372
their goods. Almost every married woman has a collection 373
of "treasures," clothing, jewelry, glassware, and the like, 422
which dates from her wedding (it is, in fact, a part of 96
her dowry, and a significant economic commodity, as it may [98]
include a silverlike coin in gold, and which is displayed
on festive occasions. These goods are stored in wooden
chests, sometimes covered with sheets of tin, and always
brightly painted. Two shops in Kwanoako maintained by
carpenters display a large number of these, and there is
always a demand for them in the event of a wedding. The 402
carpenter's tools and equipment, gutknife, hammers, planes, [408]
chisels, nails, and so on, are almost all imported from
Europe or elsewhere in the Middle East. Stools there, and 322
occasionally coffins, for the dead are also made by the [324]
carpenters. Smaller items of wood, such as cradles, are [104]
purchased in the households of villagers.

The main work of the farriers and blacksmiths is 326
the shoeing of horses, mules, and donkeys. The govern- 291
ment veterinarian attends to the beasts of the civil [292]
service and army, but, although his services are available
to the townspeople, most prefer the farriers who, in
addition to their craft, are thought to be experts in
curing animal diseases. The workshops of both farriers and
blacksmiths, with their distinctive anvils and charcoal
fires, are within the bazar, and the shoeing of a donkey

Unlike many Kurdish and Nestorian villagers, as well as the people of Rowandus itself, the Bziqhir all belong to one or another "tribe" (Kurdish, 'ashirat, from Arabic, 'ashira), a matter which also demands clarification. The typical Kurdish tribe contains several elements of a different character. Membership usually depends upon descent, but individual families or much larger groups can deny their tribal allegiance, and either join another group, or form an individual tribe of their own. While some of the larger confederations appear to be of considerable antiquity, the smaller groups come and go with the vicissitudes of war, wealth, and leadership. Nor are the tribes made up exclusively of nomads, for, while the nomad may play a dominant role in furnishing pugnacious leadership and armed men, the wealth and numerical strength of such a group come largely from its villagers. Because many of the chieftains are landowners, persons living in villages owned by them, whether Muslim Kurds or Nestorian Christians, are said to "belong" to the chieftain's tribe. Nestorians often dress in the typical garb of their "tribe," taking part in many of its common affairs, although there is almost no possibility of intermarriage between them and their Muslim fellows. While there seems to be little historical evidence to support or refute such a view, the Kurdish tribe appears to represent an intermediate stage between groups whose membership was actually based on descent and those whose character is purely feudal, a situation which may have

disposal of the qaimmaqam. This latter detachment is not quartered in the serai, but occupies a similar, smaller building of its own a short distance up the road which serves as a barracks and a garage for the vehicles. However, the actual direction of the police has its place in the serai, because the qaimmaqam is its civilian director, and his assistant, the mamur (Arabic, "official"), an officer with the rank of lieutenant has an office there. These officers suffer somewhat in prestige because their rank was lower than that of many of the army officers of the neighborhood, and the army tends to look down on the police. During the summer of 1951, the mamur's adjutant, also an officer, was extremely unpopular with the townspeople for the familiar abuse of policemen in comedy, helping himself to refreshments and other small items at the expense of the merchants. The daily employment of the police in Rowandux itself includes watching the market by day, providing guards for government buildings, transferring prisoners, and maintaining a patrol in the streets by night.

Perhaps there are no more favored objects of investment in the Middle East, no matter how great or how small the amount involved, than precious metal or land. To all classes of society these two are tangible objects of wealth, and of incredibly greater desirability than such things as bank-notes or bonds, for governments and bankers are highly variable, but gold or gold are always of value.

423 454 Because of this conviction, the legal ownership of land becomes an administrative matter of the greatest import, and the office of the director of tapu (registered land) in Rowanduz the scene of some of the most serious transactions in the serai.

423 The laws of Iraq treating the tenure of land are somewhat complex, as both Quranic and Ottoman classifications are intermingled in the modern code, but only two categories need concern us here, tapu and amiriya. Tapu-land is that which has been registered and to which a title of private ownership is recognized. Amiriya-land is that belonging to the state, not only that in use for government installations, but almost all "unoccupied" land. Under certain conditions, such as occupancy over a period of 15 years, amiriya-land can become privately owned. Whenever there is a transaction in land, usually a sale, the parties concerned must have reference to the director of tapu in the serai. An engineer from his office makes a survey of the land in question, which, in the form of a map, serves as a deed. One copy is given to the owner and another retained in the office.

423 735 429 A third category, which not only includes land, but also houses and other forms of property, is waqf, the religious donation. A man, for a variety of reasons, may leave his property to the Islamic faith and it becomes untaxable and inviolable. Such property is placed for the use, usually at extremely low rates, of poorer folk among

the faithful. There are in Rowanduz some 18 houses and lands which belong in this category. The administration of such property is placed under a Ministry of Awqaf, and there is a Mamur in Erbil from this ministry to supervise the use of such bequests. Locally, the supervision is not charged to the serai, but to the chief mulla (the religious leader of the community) who otherwise has no connection in government affairs.

Just as the legal ownership of land is important to the private citizen, its taxation is a primary concern of the government. Locally the collection is in the hands of the mudire, and the money transmitted through the qaimmaqam to Erbil. In taxation a distinction is made between agricultural lands and houses. Of the agricultural land, tapu-land is taxed a straight 15% of its value in terms of yearly yield. Amiriye-land which has been built upon and cultivated is subject to 30%, while that which has not been built upon, but cultivated, pays 10%. Houses, without reference to the land on which they stand, are taxed 15% of the assessed value of their yearly rent. Shopkeepers and merchants pay a series of taxes, usually in the form of licenses. Neither personal property, including gold, jewelry, or currency, nor income are taxed in the Rowanduz district. As has been mentioned, waqf or "church" property is not taxed. These revenues must be paid in money, never in kind, although property may be seized for taxes in arrears. However, the chieftains in the countryside try

Just a it is difficult to typify the size and buildings of an agricultural village, the cultivated lands of a village are held in different ways, and the mode of land tenure varies from locale to locale. The distinction between tapu "registered land," and emiriya, "state land," might be remembered, for it is often the subject of bitter quarrels between government and chieftains, the latter holding that certain lands classified as emiriya had "belonged" to their village or to their tribe for generations. Aside from this conflict between official and owner, there are villages which "own" their lands completely, others which can lay claim to only a part, and still others which are entirely owned, houses and lands together, by wealthy landlords, many of whom are absentees. The preferential conversion of surplus wealth into real estate has been noted, and the owners of village lands may range from tribal chieftains and persons of great fortune to relatively poor merchants or clerks who have invested their savings in a small plot for the inheritance and support of their sons. Thus the Rowanduz district has a great number of villagers who are tenants and, while in no sense bound to the soil as serfs, have a relationship with their landlords which, in its exchange of obligations and courtesies, can often resemble that between patron and client in the early days of the Roman Republic. Sadiq Agha, who lives in a house in Rowanduz, "owns" the village of Shaytina, leaving its immediate supervision to a sort of bailiff or overseer, one of the prominent villagers, who is termed the mukhtar,

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although he has nothing to do with the office of mukhtar described in the preceding pages. Sadiq Agha holds a registered title to the land and pays the village's taxes to the government. In return, through his bailiff, he lays claim to a certain percentage, about a third, of the village's crops. Whenever he visits the village he is treated with great courtesy and with feasting. Now and then one sees a villager or bailiff kissing the hand of a visiting overlord, a servile usage which is generally looked down upon today. On the other hand, a village-owner is sought by his tenants in a thousand and one minor matters, a loan, a quarrel, a son to be recruited, and the like. A more exact description of these reciprocal duties will follow.

The villagers and katchir fashion almost nothing which has retail value outside of the district itself, and, as will be seen more completely with reference to Rowandux, indigenous crafts are simple and few in number. Coarse woolen cloth is woven in small square pieces, about eight inches on a side, and stitched together into long rolls, but this material is wholly used in the fabrication of local garments. Two Nestorian weavers and their wives work in a shop in the upper part of the town of Rowandux, the only craftsmen of their religion laboring in the community. Their wooden loom stands upright, and a hole has been dug into the earthen floor beneath it to accommodate the weaver's legs. The shop contains a curious old wooden spinning wheel, although the women preferred the more familiar spindle and

423 361 [727]

Attention might be directed to the land of Rowanduz itself. Before the Russians burned the old town, the present site above the valley was occupied by only a few Ottoman buildings, summer residences, and gardens. Most of the choicest lands in the new town are owned by Lali Khan and Ra'uf Effendi whose families had titles from Ottoman times. In the lower priced lands of the modern upper town there is a variety of tenure, government (amiriya), private (tapu), and religious endowment (waqf), but the two most important owners are those mentioned here.

It is somewhat unfortunate, in treating the economics of the Rowanduz district and the position of its principal town within such a system, to be unable to present an exact quantitative analysis. In the absence of government statistics, and faced with the widespread distrust of the populace toward inquiries which might bear some relation to taxation, one must be satisfied with a generalized description of a primary nature. This need not be regarded as a deficit, inasmuch as the more important conclusions of this study have reference to social structure, an emphasis, however, which in no wise implies that the economic background is not critically germane to the discussion. It is therefore possible, in closing this section, to re-emphasize certain generalities which statistical information would not seem likely to modify in any serious fashion.

121 186 [123] [651]

The size and importance of any town can be governed by a number of things, environmental, economic, social, or religious.

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beggar who, among other things, performed such feats as eating pebbles for alms in the *shaykhanas*, as well as in one of the best-educated men of the community. 792 735

Turning to the Rowanduz district, it is possible to illustrate and to amplify these general remarks. First, there is a landed, hereditary aristocracy of Kurds. As far as one can gather from the meager histories of the area, the Kurds had been ruled by independent or semi-independent chieftains for an unknown period until Ottoman and Iranian power was able to extend its rule over them. This control, usually superficial, was never solidified until after the first World War. As rulers, the Kurdish chieftains led their people in war, arbitrated their quarrels, and, to some extent, directed their economy. In return for these things, they laid claim to a certain share of annual produce, animals or harvest. In some cases the chieftainship appears to have had certain democratic aspects, the new ruler, characteristically, but not necessarily, the eldest son of the deceased, selected from a noble household by an assembly of the tribesmen. In others it was purely aristocratic. As has been seen above, chieftains are many times associated with tribes, that is to say, there is no tribe without such a leader, but otherwise they are feudal overlords. Often a chieftain can be both the head of a tribal group and the "owner" of non-tribal lands and villages. The tenure of property illustrates this. Sometimes the land and flocks are owned by the 565 174 622 619 [648] 565 622 619 423

tribal group as a whole from which the chieftain is "granted" his yearly share, while in other cases they are his personal possessions, inherited through the noble family, which he can dispose of as he pleases. It appears that a stage between tribal and feudal society is represented here, a combination of both systems which may have existed in this way for centuries, and which is largely primitive in character. 423 619 622 565

The aristocratic Kurdish households are, in fact, extended patrilineal families for which the term is _familiya_, puzzling in its similarity to the Latin _familia_. The same noun is sometimes applied to houses of great wealth and numbers, but this seems to be comparatively rare. Only these households and _sayyids_, descendants of the tribe of the Prophet, keep genealogies (_sajara_, from Arabic _shajara_, "tree"). In the case of the _sayyid_ the title can be inherited on either side, but the patent of nobility is solely patrilineal. One of the tests of nobility is said to be the ability to name one's patrilineal forebears to seven generations, and no one in Rowanduz, outside of these families, is able to perform this feat. The titles of the nobility include _beg_, _agha_, and _mir_, all of Turkish derivation. In Ottoman times _pasha_ was also in use, and the grandfather of Isma'il Beg was called "Abdullah Pasha." The Arabic _shaykh_, literally, "old man," appears, as in such distinguished Kurdish figures as Shaykh Mahmud, leader of the revolts in 1922 and 1930, and Shaykh Taha, 565 596 [173] 611 565 565 554

to let Ahmad Beg know of their presence and visit his diwanhana, or he will think they look down on his hospitality, or, worse, do not know him or recognize him as a chieftain."

Save for the question of hospitality, it may be seen from the section on administration that the government takes a strong interest in chieftains' activities. The state lays claim to all unregistered land, amiriya, which includes a large amount of "tribal" and village territory, and would prefer to collect taxes directly from the producers, thus cutting off the most important source of aristocratic revenue. Some of the chieftains, abreast of the times, have attempted to have tribal lands registered in their own names. The execution of the law belongs to the government, either the civil code of the judge or the tribal code of the qaimaqam. Vengeance is also of the state, and homicides are to be handled by the police and the courts, rather than the vendetta. Safeguard and sanctuary in a well-policed district are thought to be unnecessary. Modern Iraq is in concept democratic, and such titles as agha, beg, or shaykh, while they are widely used, do not enjoy the sanction of law. The army and the constabulary are thought adequate to handle military exigencies, and the arming of a populace, particularly parties of bodyguards, is considered superfluous, if not dangerous. Thus the Kurdish aristocracy has lost many of its important functions and perogatives. They are no longer leaders in war or administrators, and much of their

each son having the same claim as his brothers. The 428
latter custom is reflected in the transmission of aristocratic Kurdish titles. All of the sons of a chieftain, irrespective of age or the rank of their mothers, receive the title of the father and enjoy an equal share in the property. Tribal chieftainship, as opposed to feudal [622]
overlordship, is usually settled on the eldest son, despite of the fact that the remaining brothers continue to enjoy the privileges of rank and share in the goods of the estate. Thus, if men have a plurality of sons and daughters in each generation and the original holding is unsupplemented by additional gains, it follows that an individual's inheritance grows progressively smaller with each death. Among the Muslim peasantry, where the amount 423
of arable land is limited, as in certain areas in Egypt 428
or in Syria, a single person's plot can soon diminish to a size insufficient to support a couple and the luckless legatee must seek employment elsewhere, usually as a tenant cultivator on some larger holding. The situation in Kurdistan is not quite as difficult, inasmuch as a person can always cut out a new field from the unclaimed lands of the state domain. In a situation in which the brothers or other relatives have quarrelled, property which by virtue of its size could guarantee an income for [425]
all can be reduced through inheritance into segments which are far from profitable. The practice in such cases, commonly handled by process of law, is to sell the property in question and to apportion each his share in money. It

is difficult, if not impossible, for even the cleverest jurist to circumvent the equality of sons in inheritance, for this has the direct sanction of religion. 428 423

For the most part, however, settlements are amicable and it is unnecessary for the heirs to have recourse to the court. In such cases, the legal division of property is often fictional and need not adhere to the exact provisions of the law. Instead of selling the house, the land, or the shop, the eldest brother or, in the minority of the sons, a paternal uncle or some other relative assumes the role of administrator and things continue much as they did before. To provide an example, a blacksmith in Rowandux owned a small house and maintained a shop in the bazar. On his death, his two sons, who chose to follow their father's calling, continued to work together in the shop, and ultimately the younger, with the aid of his brother, was able to obtain a house of his own. At no time was there a legal accounting, although one may suppose that the two had some knowledge of the value of the property and reached an agreement, perhaps tacitly, of their own. In another, more exact way, the eldest son often purchases gradually the shares of his brothers, keeping the estate intact. In some cases, a man apportions most of his wealth before his death, attempting to satisfy all of his heirs. As noticed above, a younger son is often accorded a separate establishment. It is said that a landowner can transfer his title, held in the tapu, registered land, office in the serai, to one son during [429] [326]

his lifetime, but it is difficult to see, in view of the inexorable character of the civil code reinforced by scripture, how one heir might be completely cut off in favor of another, and no examples could be elicited. If a man wished to disinherit all his relatives, a doubtful event, he could do this best by leaving his property to the Islamic faith, making of it a waqf or pious bequest, a legacy which is just as hard to get around as the equality of the claims of sons. 423 428 428

The bulk of the estate, animals, houses, land, tools, or capital, is commonly owned by males, although there is no reason why a woman cannot possess them as well. Lali Khan, since the death of Isma'il Beg and the imprisonment of her closest male relatives, offers a case in point. Generally speaking, however, the outstanding property of most women consists of a dowry, jewelry, and household goods. The dowry (mahr, from Arabic) in the generality of Islamic society, and at Rowandus, is paid in money by the bridegroom to the father or guardian of the girl. It consists of two parts, the muqaddam and the mu'akhar, stipulated in the contract of marriage. The first, a half or two-thirds of the total amount, is paid in cash at the time the marriage contract is signed to the parent of the bride who is responsible for its administration. The second part, the remainder of the sum, must be paid to the woman if she is divorced against her will or widowed. As might be expected, it is not required for 421 562 583 421 [586]

and larger confederations of kinship groups are articulated with a similar phraseology. The Kurdish tribe, which has not been extensively discussed, represents in large part such a unit. The lands of the tribe, agricultural or pastoral, are the property of kinship groups, extended patrilineal families, as are the flocks and herds, and an individual cannot alienate them in quantity without difficulty. Chieftainship is hereditary, commonly with the democratic approval of the men of the tribe. Some chieftains are undistinguished from their tribesmen save in the size of their families' holdings, and others receive a customary share of the annual produce. The Kurdish tribe, then, is traditionally an alliance of extended patrilineal families, sometimes with the fiction of a common ancestor, and membership in the tribe depends on membership in the family, a matter of "blood" descent. Tribal life is directed by the chieftain, and the murder of a member or the theft of property by an outsider is never permitted to go unavenged.

Feudalism, an arrangement different than that of the tribe, requires no redefinition here. It is a personal exchange of duties between landlord and tenant, and is not represented in the Rowandux district by the nomads whose society is exclusively tribal. It seems to have arisen in two ways, in the first of which the chieftains of nomadic groups took agricultural villages under their protection. One might remark again that the nomad, because of his mobility and firepower, has a militar/ advantage over the villager. In the second, some powerful families, by the

gradual increase of their holdings, have reached a position of dominance over their neighbors. In Kurdish feudalism the chieftain "owns" the lands of his tenants ad levies a yearly tax. The terminology of feudalism, however, is that of the tribe, and, as has been noticed, a Nestorian Christian tenant may be spoken of as "belonging" to this or that chieftain's tribe and wear its traditional garb. The two systems, the tribal which is primitive in character and the feudal which is based on individual ownership of land but which is also pseudo-primitive, are intermixed in the Rowanduz district. There are men who are tribal leaders of tribes, others who are feudal landlords, and still others who are both. The aristocracy is undifferentiated in terms of the tribal or feudal systems, using the same titles, and is based on noble descent. The relationship between the chieftain and the tribesman or tenant is always in personal terms. Just as in the case of the tribe, the feudal landlord is expected to direct the life of his tenants and to avenge them. The commoners identify their honor with that of their chieftains and are glad to give up a share of their produce, for they partake of the prestige of their superiors. Although there is no structural deterrent, the mixture of tribal and feudal systems in Kurdish Iraq is normally decentralized, segmented into hundreds of groups whose relations with one another are not always amicable. Lastly, with the exception of the Nestorian Christians, the chieftains and commoners belong to the same ethnic unit and are qualitatively undifferentiated

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with respect to culture. Feudalism, while it may not be "primitive," is here mixed with a primitive, tribal system and uses its terminology.

In civilized society, in contrast to primitive, membership is not held to be based on descent but on residence and property relations, and this form of society is represented by the state. This does not mean that the state does not use the primitive terminology, for, out of numerous examples, one might remember the insistence of the National Socialist government of Germany prior to the second World War on "blood" and "race." Of greater importance, the state has a different system of economy, because, depending on its constitution, it defines its resources as its own, as the personal property of its citizens, or both. The state in this sense is not a newcomer to Iraq, inasmuch as some of the earliest examples known in history were developed there, but, at least for some centuries, it has been a stranger to Kurdistan. It has been seen how, in the Rowandiz area, it has taken a large part in the administration of life. Youths are recruited to the army, not to the following of a chieftain, and the military forces and the police have the task of regulating public order. Matters of civil and criminal law are decided in its courts, and the important matters of inheritance, marriage, and divorce require its authorization. Students may, if they are able, study in its schools and the sick can avail themselves of its medical facilities. Perhaps more importantly, it has insisted on the classification of land, holdings belonging

to the state, private persons, and the Islamic faith, and the regular collection of taxes. If the land is unregistered, it prefers to obtain the revenue directly from the users, and, if privately owned, from its legal holders. The Arab government of Iraq cannot be said to be a model of efficiency, but it has quantitatively superimposed an administration far different from that of the Turks or the chieftains.

If the changes of the last fifty years which have taken place in Kurdish life are reviewed, it cannot be said that any one aspect has been static, but in one the alteration has been far greater than in others. Aside from the society, the areas of discord are few in number. Items of Western technology have been easily assimilated, and it is not possible to allege that any self-sufficiency has been destroyed by the introduction of manufactured goods, for this dependency on foreign products has apparently been known for centuries. The specialization in tobacco in the district has, of course, conditioned versatility, but it has been profitable rather than detrimental, and, in any case, the agricultural production of the area, even at a primitive level, is only a part of its potential. In the house and its furnishings, the costume, the diet, life within the family, and religion almost nothing of a structural nature has been altered or replaced. The locus of modification, then, has been in the economy and the society, for, not only has a new class, the government elite, been added to compete for prestige with the native aristocracy,

249 As contrasted to grain, where most of the work comes either in
312 winter plowing or harvesting, the subsidiary crops which require irrigation take constant attention in the growing season. The irrigation system of tiny dikes and channels in a tobacco field is at best a rather temporary one, and must be constantly repaired and reinforced. The flow of water must be started and stopped periodically, and one rarely sees a tobacco field in summer without some farmer with his long handled irrigation shovel, fussing with the watering system.

333 Herding involves much less work, and the supervision of the flocks can easily be delegated. In the hills, the herdsman is supported by dogs. Morning and evening milking is not too time consuming, and even under quite extreme conditions winter fodder is never provided for the animals, so thus very few man-hours are expended.

LAND TENURE.

423 The characteristics of subsistence and available techniques should
471 to a considerable extent influence the size and composition of economically cooperating groups and work-gangs, and thereby the form of the households. As is evident, however, the above type of activities lays down few imperatives and requires no cooperative division of labor in the fields. Furthermore, the addition... ractor of land ownership intervenes, and influences group composition according to other principles.

Any comprehensive discussion of land tenure in the area, however, takes on considerable complexity. Property rights have never been mapped and settled (overall mapping and registration is now in progress), and conflicting interpretations and claims are advanced in the various contexts of modern legislation, Ottoman land codes, tribal political organization, or de-facto power. For the moment, we may disregard the historical factors leading up to the present situation, and discuss only those factors that influence division of labor and social classes.

As far as the farmer is concerned, the basic contrast is between a/ land owned by himself, or land belonging to the government, but to which he has traditional usufruct rights, and b/ land on which

he himself is considered a tenant farmer — the land belonging to an absentee landowner, a tribal chief, or some privileged section of the local community. The typical situation is for the freeholding farmers to have retained what is generally called *tribal* organization (see below), whereas the tenant farmer has no clear political affiliation, but is largely subject to the control of the landowner. This dichotomy between the tribal, freeholding farmer and the tenant, more or less dependent on a capitalist for land and other privileges, is basic to much of the following discussion. The dichotomy is clearly made by Kurds themselves, and is associated with the co-variance of other institutional forms.

The characteristic tendency on the land which does not directly belong to the farmer who is using it, is a progressive delegation of rights. This influences the division of labor and the form of work-groups in the fields, and reinforces class differences.

In the tribal village, each farmer generally works his own fields with own equipment, or may hire some outside labor to assist him at certain times of year. Mutual borrowing, or renting, of livestock may be resorted to. The grazing area belongs to the village as a whole, and herding the animals is generally delegated to one or more full-time shepherds of low status, who may serve the whole village.

The land of the typical tenant village belongs to an absentee landowner, who collects 1/10—1/3 of the cereal crop by right. The old residents of the village have informal inherited right of use of certain fields. These are not inalienable. Any person needing more land may apply to the landowner, and if he can demonstrate that he is able to use more, he will be allotted fallow land that formerly belonged to other households. Where no fallow land is available and the need is great, e. g. due to increase in the size of a given family, any type of land may be transferred. Theoretically, the landowner has the right to evict any one for any reason — though this is a power he rarely exercises, since it generally precipitates conflicts and disrupts village unity.

Not infrequently, the more well-to-do tenant farmer will in fact do no farming himself, but will hire labor to his fields for a share of the crop, or other payments. Such payments are traditionally

7: Barth E-5 (1951) 1953 MA11 Kurd MA11

ing his form of rule to that of the feudal usurper in Sinna, Persia: «You are not the lord of a tribe, nor are your men your tribesmen. You may clothe them, feed them, and make them rich, but they are not your cousins, they are but your servants» (ibid, p. 86).

When Baban rule was broken in 1851, Ottoman legal practice as well as personnel achieved a footing in the area. This contributed further to the breakdown of traditional principles, since it offered individuals the opportunity to manipulate the two different systems, traditional usage and Ottoman legal code, to their own advantage. This most profoundly effected land tenure. All land, unless otherwise registered, was decreed to belong to the Ottoman Sultan. Though the rule existed that no whole village should be registered as the property of any single person, this and other rules were generally overlooked. Thus leaders of *tirat*, *Begs*, or in fact any other person who could bribe a few witnesses, registered large tracts of land as their personal property. Although actual power was of course necessary to make these formal transactions effective as far as the collecting of tax was concerned, the result was that a category of landowner emerged for which there were no clear traditional precedents, and their claims, when supported by power and supposed Ottoman land code, could not truly be disputed. As a result, the field was left open to individual exploitation on a much larger scale than in Baban times, and the only effective checks were the above mentioned threats to the personal safety of the exploiter.

COMPOSITE COMMUNITIES

In the Hamawand area, some local groups are found today where tribally organized Hamawand exploit a non-tribal tenant population (*Mzakjin*) as a serf group. Such situations have come about by recent military conquest, and show incipient developments of a caste system. Certain aspects of organization have been developed by the Hamawand as an adjustment to this situation.

The Hamawand formal political structure already outlined was also a military hierarchy of command. Each village was expected to muster a group of horsemen, usually 10—15, led by the village *Agha*, as a fighting unit in the Hamawand army. Each of these soldiers,

7: Barth E-5 (1951) 1953 MA11 Kurd MA11

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part-status — his ability to rally persons is improved or impaired, with direct results on his position in the power hierarchy. Either or both of these reactions may result — i. e. primary changes in either or both the de-facto (a) and the «ideal» (b) hierarchy may be produced. In certain cases the change produced by the same factor in these two hierarchies may be in contradiction, and the final adjustment is then dependent on the degree of external interference.

The patterns of these reactions and changes are set by the precedence of loyalties in conflict situations, crudely sketched above. It should then be theoretically possible to correlate the nature and form of social change in Southern Kurdistan with the factors. The assumption is generally, and I think legitimately, made that all non-tribal groups of Kurds are ultimately to be derived from one or more tribal groups. At present, at any rate, the direction of change between the two poles, from *tribal* to non-tribal or *feudal*, is very evident, and some of the factors resulting in such a detribalization process clearly follow from the above discussion. There is further considerable indication that only the two poles themselves, described as *tribal* and *feudal*, are moderately stable, and that change from the one to the other, once initiated, is a moderately rapid process. This is e. g. indicated by the numerical preponderance of villages of the polar types as compared to intermediary types. It also follows logically from the concept of incompatibility of certain part-statuses in a single village: many of the tribal and non-tribal formal categories or part-statuses overlap in their fields of relevance, and this results in competition, and elimination or re-definition, where they are combined in one local community. Once the process of un-ravelling is under way, the complete set of non-tribal categories will thus tend to replace its tribal counterparts.

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Probably the most potent agents of social change, with a very direct relation to the power hierarchy in the village, are changes in the pattern of land tenure. Ottoman land codes and taxation policy, corrupt administration, and the increasing emphasis in Kurdish culture on leisure and real property have all encouraged the concentration of land in few hands, and the establishment of feudal patterns of delegation of usufruct rights on land. The resulting class hierarchy

8: Leach E-5 (1938) 1940 MA11 Kurd MA11
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Q4 The taifa in turn is frequently divided into subsections called tira (branch), though in many contexts the two terms appear to be interchangeable. The Hallasherifi taifa referred to before are for instance subdivided into three tira each group claiming descent from one of the sons of Halla Sherif. These sons (I did not obtain their names) are supposed to have settled respectively in Nerga, Gelala and Rust, and these villages remain the centres of their respective tira to the present day. Thus the Agha of Rust is overlord of a number of villages by virtue of the fact that he is head of his tira. The Shevdini taifa is similarly subdivided into three tira, the names being given to me as Hedr Agha, Zaka Hasani and Hasani Bahadur Agha - these being presumably the names of the ancestral founders of the lineage. On the other hand some persons at least did not seem to be clearly aware of this subdivision and on being asked the name of their tira would reply "Shevdin". Moreover I was assured by one informant that there is no difference between taifa and tira, but that the one is bigger than the other. This is I think an accurate description. Tira is a type of kinship group fairly frequently encountered by anthropologists. Usually termed lineage, but more aptly described by Firth as ramage, it differs only from the clan group in scale and political cohesion. With the lessening of political ties the distinction between the two types of grouping tends to disappear. The Agha of Rust for instance claimed to me that he was head of his own taifa and as such of equal rank to Sheikh Mohammed Agha of Balesh. Sheikh Mohammed of course did not admit this claim but maintained that Mir Sedik, Agha of Rust was his subject.

From this description and the examples quoted it is clear that the terms subsect, taifa and tira fall into the normal anthropological classifications of tribe, clan and lineage (ramage), with the single abnormality that the clans are in this case endogamous, or largely so.

Inheritance of Land Tenure

36/ The settlements for the most part consist of small villages (gund) scattered along the valleys. The term gund really includes both the houses and the cultivation surrounding them and may at times prove confusing. The gund of Rangurdan for instance contains two houses only, that of Dergala has over a hundred. Every gund is the
631 'property' of a landlord (Agha). If the Agha owns only one gund as in
• 923 the case of Hamid Amin Agha of Rangurdan he will live in it himself; if

"See C.Daryll Forde - Fission and Accretion in the Patrilineal Clans of a semi-Bantu community in Southern Nigeria J.R.A.I. Vol. 60; 314.
R.Firth - We, the Tikopia:370,371.
582. Note however that owing to the rule of cross-cousin marriage, Kurdish taifa and tira tend to be endogamous rather than exogamous.

8: Leach E-5 (1938) 1940 MA11 Kurd MA11
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he owns several as in the case of Sheikh Mohammed Agha of Walash or 414
Rashid Amin Beg of Dergala, he will live in one himself and appoint 413
headmen (kokha) as his agents in the other villages. In theory the
Agha is the absolute owner of all the land in the gund, the villagers
occupy and cultivate the land in the capacity of tenants and in return 423
pay him, in theory at any rate, the seemingly staggering rental of 50% 427
of the yield of the land. Again in theory the Agha has absolute
discretion to evict any tenant he disapproves of, and similarly the
tenant is free to leave whenever he chooses; the only property that the
tenant possesses in his own right are ordinary household belongings,
the roof beams of his house, and his personal livestock. Practice
probably differs markedly from theory. So far as I could judge in the
Balik country at any rate at least 90% of the population of any gund
were not only Balik tribesmen but also members of the Agha's own taifa,
many of them being his near kinsmen. It would seem then that the
Agha's right of eviction remains theoretical except under extreme
provocation. In practice the right of tenancy is heriditable. This [428]
latter point was confirmed to me by Sheikh Mohammed Agha of Walash; the
way he put it was that when a tenant died he, the Agha, could do what-
ever he liked with the land, but that "as a rule" he gave it to the
deceased's son or brother whichever was the most suitable. It may be
noted that such a procedure would tend to prevent the land being split
up into a vast number of small holdings by the process of inheritance,
and would also provide an economic bond between the members of the
smaller extended family groups.

The tribal custom here is not, as might at first sight appear, 423
at variance with Mohammedan law. According to the Koranic rule a 428
man's testamentary rights are limited and most of his "property" (mulk)
is passed on in defined proportions to certain specific relatives.
Land however is for the most part excluded in the term mulk. The
actual legal position as it applies to land tenure in Iraq is somewhat
involved and the interested reader should refer direct to Sir E.
Dowson's "An Enquiry into Land Tenure and Related Questions" (Iraq
Government 1932). The following account summarises the position.

The legal situation regarding the inheritance of land tenure is
defined by the Ottoman Land Code of 1858, and certain subsidiary
enactments of the old Turkish Empire. This recognises five classes of

"I have no data to show what rental is really paid. I was [427]
assured on several different occasions and in different contexts at
Rowanduz, Walash and Dergala that the normal arrangement is for the
Agha to receive half the gross yield of the land if the tenant
provides his own cattle, implements, seed, etc., but two thirds of the
gross yield if the Agha provides the seed, implements, etc. According
to May (p. 68) the figure is only 10% of the yield. But as I shall
show presently a 50% rental is probably not as excessive as it sounds.

8: Leach E-5 (1938) 1940 MA11 Kurd MA11
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land tenure Malk, Miri, Waqf, Matruka and Mewat. These categories however do not apply accurately to present day Iraq conditions, the term miri in particular being in practice used in a different sense to that implied by the Land Code. The effective categories appear to be three in number

1) Malk (property) - undiluted ownership; owners rights and inheritance being dictated by the Koranic sacred law.

2) Tapu - state land, the legal possession of which is granted out on the registered tenure laid down in Book 1 of the Land Code. Inheritance of this land is entailed to the direct descendants of the original holders, though actual ownership continues to be vested in the state.

3) Miri - state land, retained in full legal ownership and possession of the state which may be exploited directly or indirectly at its discretion subject to due recognition of established occupancy rights. In effect miri land simply represents the overwhelming residue of the country not held in malk or tapu tenure.

So far as the area of this study is concerned very little if any agricultural land is held in malk tenure and this category applies, I think, only to town property. Most of area C is held in tapu tenure and some portions of area B also. Area A is exclusively miri land so that in legal theory the tribes are here tenants of the state

Such subtle distinctions are not clearly understood by the Kurdish tribesmen, and as Dowson's study shows the position is in fact confused and provides many opportunities for corruption. In the Balik area there seemed to be a movement on foot to get the tribal land made tapu in the name of the clan leaders. Ali Agha of Rayat for instance was anxious to have the Shevdini territory "registered" in his name and seemed to think that it was merely a question of bribing the right people. Such a development would be strongly resisted by Sheikh Mohammad Agha of Walash since it would infringe his nominal overlordship over the whole Balik territory.

So far as the question of inheritance is concerned the position is legally clear. None of the Kurdish land is malk and accordingly none of it is subject to the Koranic stipulations. The attitude of the Aghas however is not very clear. Sheikh Mohammad Agha for example was very insistent that all the land of the Balik was his personal property, which was somewhat inconsistent since he certainly did not seem to imply that the territory would be divided up among his relatives when he died. It is quite definite in fact that where land is concerned the various claims to "ownership" are not correlated with any principle of Koranic inheritance.

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Land. The land potentially available for tobacco cultivation is roughly speaking all the arable land that can be effectively irrigated; - its extent being limited both by the configuration of the land and the available water supply. Here immediately there are complications. The irrigation system as at present arranged may serve a number of purposes 249 312 621

1. Irrigation of rice cultivation - which in most villages appear to be a personal plot pertaining to the Agha alone and not a tenant's holding in the ordinary sense.

2. Periodic irrigation of the vegetable gardens. In any re-organisation this would have to be maintained.

3. Periodic irrigation of existing tobacco areas.

4. In some villages (e.g. Dergala) for driving the mill, which is owned either by the Agha himself or a near relative.

Any reorganisation of such a system would affect a number of different individuals whose immediate interests may be directly conflicting. The Agha for instance is hardly likely to abandon his rice plot which is his personal property merely to provide his tenants with more water to grow tobacco; but on the other hand if he reserves the whole of the tobacco cultivation for himself the tenants whose land is interfered with will have a justifiable grievance. It might well be found in fact that in any particular village the rearrangement of the water supply so as to provide a greater tobacco acreage would in practice involve a completely new allocation of land holdings to all the inhabitants, a reform which would certainly be very difficult to carry out. It may be significant that at Batas where such a re-organisation of cultivation has in fact been brought about the Assyrian tenants were new arrivals in the district and there was no old established system of tenancy rights supported by an ancestral tradition.

A further question of interest is the problem of "marginal" land. It is true that the land configuration, somewhat similar to that of the Alpine villages of the Bernese Oberland, sets a definite limit to the area that can be cultivated, but on the other hand there seem to be a number of small marginal areas, at present under scrub, which might be brought into cultivation if the available water were more efficiently utilised and the cash incentive were sufficient to repay the extra labour involved. The 'rights' over such uncleared land rest at present exclusively with the Agha. 423 • 311

Labour. The labour available is the labour of the tenant occupiers and their families; it would seem that the substitution of tobacco for cereals would affect the balance rather than the volume of work required. Under the present system the wheat harvest comes in 464 241